

In The
Circuit Court of the Twentieth Judicial Circuit
In and for Lee County, Florida
- Civil/Criminal Division -

SCOTT HUMINSKI, FOR HIMSELF)	
AND FOR THOSE SIMILARLY SITUATED,)	
PLAINTIFF)	NO. 17-MM-815
TOWN OF GILBERT, AZ, ET AL.)	
DEFENDANTS.)	AKA: STATE V. HUMINSKI

MOTION TO DISQUALIFY DEFENSE COUNSEL
AND
NOTICE OF CIVIL CLAIMS OF LEGAL MALPRACTICE AND
FEDERAL CIVIL RIGHTS VIOLATIONS Re: Atty. Neymotin

NOW COMES, Scott Huminski (“Huminski”), PRO SE, and, moves as set forth in the above title to disqualify defense counsel grounded upon Huminski’s filings in this case. Huminski notes he spoke with Zachary Miller, esq. today and Mr. Miller did not know of the back-dated recusal order of Judge Krier in this case which strikes at the legitimacy of this prosecution whereby Judge Krier,

- Authored and signed a recusal order in Circuit Court recusing off this **Circuit Court** case on August 1, 2017. See docket 8/14/2017.
- The original order was lost.
- At hearings on August 15 and September 22 Huminski informed the Court of this problem.
- On September 22, 2017 someone at the Court filed a copy of this order and back-dated it to August 14, 2017. This is fraud.
- Judge Krier lied in the hearing of 6/29/2017
- Judge Krier recited fact not on the record concerning the death threats received by Huminski evidencing forbidden ex parte contact/influence.

NOTICE OF CLAIM – FEDERAL LAWSUIT, Ita Neymotin, et al.

Notice is given that Huminski is bringing federal civil rights claims and legal malpractice claims in U.S. District Court against Ita Neymotin, esq., Regional Conflict Counsel and Zachary Miller, esq.. This case involves the exact same courthouse banishment claims that have already been litigated in Huminski v. Corsones, 396 F.3d 53 (2nd Cir. 2005). Ms. Neymotin failed to assert my right to attend court proceedings free of threats of arrest and prosecution in retaliation for merely asserting my First Amendment and Due Process rights in a trial free of duress, threats and coercion and the right to defend myself free of these factors.

Huminski will also bring associated claims against Ms. Neymotin, et al. under the First, Fifth, Sixth and Fourteenth Amendments to the U.S. Constitution REQUESTING declaratory relief, actual damages, punitive damages, nominal damages or presumed damages in the same amount yielded in Huminski v. Corsones, \$750,000.00 (Seven Hundred and Fifty Thousand Dollars).

The Courthouse banishment set forth in this case is forbidden under a clearly established constitutional right and creates a cloud of illegitimacy concerning this case which Ms. Neymotin refuses to assert. See generally Huminski v. Corsones, 396 F.3d 53 (2nd Cir. 2005). Similarly, Ms. Neymotin refuses to assert the corruption in this case evidenced by the back-dating of Judge Krier's recusal order set forth above and the complete corruption of Lee County dockets in cases formerly presided over by Judge Krier and the fraudulent listing of Hon. Gentile as presiding over hearing and cases he was never involved in which also includes Huminski's cases.

Ms Neymotin's representation is a prime example of the problems enunciated in the NACDL paper, Three Minute Justice: Haste and Waste in Florida's Misdemeanor Courts. <https://www.nacdl.org/reports/threeminutejustice/>

Ms. Neymotin refuses to assert the impropriety and unethical nature of the State's plea offer which includes assurance by Huminski to not engage in civil litigation against persons not parties to this matter converting the plea negotiations into a form of release/dismissal agreement which violates ethical rules. See Notre

Dame law journal on the topic, An Ethical Analysis of Release Dismissal Agreements.

<http://scholarship.law.nd.edu/cgi/viewcontent.cgi?article=1458&context=ndjlepp>

Judge Gentile is fraudulently listed as presiding over the arraignment in this case which is indication of extreme corruption and impropriety on the docket which Ms. Neymotion refuses to assert. As the docket reveals, there did not exist 17-mm-815 until 6/30/2017 on 6/29/2017 the only matter that existed was 17-ca-421 which was a criminal/civil hybrid which Ms. Neymotin misrepresents to the Court as civil only in her recusal motion and at hearing. See below docket entries and 6/29

minutes.

8/14/2017 2:57 PM Lee County Clerk of Courts

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR LEE COUNTY, FLORIDA
CIVIL DIVISION

STATE OF FLORIDA

CASE NO: 17-MM-815

vs.

SCOTT HUMINSKI


Defendant

ORDER OF DISQUALIFICATION

THIS CAUSE having come before this Court on 8/1/17 on its own Motion, it is ORDERED and ADJUDGED:

Pursuant to Cannon 3E of the Florida Code of Judicial Conduct, the undersigned Judge hereby disqualifies herself from cases involving the above Plaintiff, including the above styled Case.

DONE and ORDERED this 1st day of August, 2017.


Honorable Elizabeth V. Krier
Circuit Court Judge, 20th Circuit

Conformed copies to:
Scott Huminski at s_huminski@live.com
State Attorney's Office
Public Defender's Office
COURT ADMINISTRATION

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IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA CIVIL ACTION

Huminski, Scott
Plaintiff
vs
Town of Gilbert AZ et al
Defendant

Case No: 17-CA-000421
Date: June 29, 2017
Judge: Elizabeth V Krier
Deputy Clerk: Brenda Horton
Court Reporter:

MINUTES

Attorney for Plaintiff: **Kevin Sarlo** Present Not Present
Attorney for Defendant: **Anthony Kunasck** Present Not Present

Hearing Information:

SHOW CAUSE / ARRAIGNMENT PROCEEDING:

-Plea of Not Guilty Entered
-CMC scheduled on 8/15/17 at 1:00 for 10 minutes
-CMC is set to review how the State is proceeding with the case and at that
Point we can schedule future hearings. Also to be discussed transfer case
From civil to criminal
-Pretrial release without bond / Conditions: Mr. Huminski is to check in with
Pretrial officer every 2 weeks, along with the condition to not violate anymore
Orders. Only Mr. Huminski's PD or licensed attorney may contact the courts.
He must not contact the courts or Sheriff's Department by email

Motion Granted Denied Reserved

Notes:

-Scott Huminski-present
-Copies of orders on file given to Mr. Huminski, Mr. Sarlo, and Mr. Kunasck
In court

*Sworn

Date

Hearing

Time

12/12/2017

Circuit Civil Court - McHugh, Michael T

2:30 PM

08/15/2017	CANCELED-Other Circuit Civil Court - Gentile, Geoffrey Henry	1:00 PM
07/31/2017	Circuit Civil Court - Gentile, Geoffrey Henry	9:15 AM
06/29/2017	Circuit Civil Court - Gentile, Geoffrey Henry	1:30 PM
05/25/2017	Circuit Civil Court - Gentile, Geoffrey Henry	8:30 AM
04/18/2017	Circuit Civil Court - Gentile, Geoffrey Henry	9:15 AM
04/18/2017	Circuit Civil Court - Gentile, Geoffrey Henry	10:30 AM
04/17/2017	Circuit Civil Court - Gentile, Geoffrey Henry	9:00 AM

Dated at Bonita Springs, Florida this 29th day of December, 2017.

-/S/- Scott Huminski

Scott Huminski, pro se
24544 Kingfish Street
Bonita Springs, FL 34134
(239) 300-6656
S_huminski@live.com

Certificate of Services

Copies of this document and any attachment(s) was served via the court's e filing system on this 29th day of December, 2017 to all parties.

-/s/- Scott Huminski

Scott Huminski